

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

I Applicant: Michael J. Chambers, *et al.*
Serial No.: 10/695,603
Filed: October 28, 2003
Title: SYSTEM AND METHOD EMPLOYING A MOBILE TELEPHONE TO
RETRIEVE INFORMATION REGARDING N ARTICLE
Grp./A.U.: 2617
Examiner: Jaime M. Holliday Confirmation No.: 6324

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ATTENTION: Board of Patent Appeals and Interferences

Sirs:

APPEAL BRIEF UNDER 37 C.F.R. §41.37

This is an appeal from a Final Rejection dated August 1, 2006, of Claims 1-21. The Appellants submit this Brief with the statutory fee of \$500.00 as set forth in 37 C.F.R. §41.20(b)(2), and hereby authorize the Commissioner to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

This Brief contains these items under the following headings, and in the order set forth below in accordance with 37 C.F.R. §41.37(c)(1):

- I. REAL PARTY IN INTEREST
- II. RELATED APPEALS AND INTERFERENCES
- III. STATUS OF CLAIMS
- IV. STATUS OF AMENDMENTS
- V. SUMMARY OF CLAIMED SUBJECT MATTER
- VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
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I. REAL PARTY IN INTEREST

The real party in interest in this appeal is the Assignee, Agere Systems Inc.

II. RELATED APPEALS AND INTERFERENCES

No other appeals or interferences will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF THE CLAIMS

Claims 1-21 are pending in this application and have been rejected under 35 U.S.C. §103(a). Each of the pending claims are being appealed.

IV. STATUS OF THE AMENDMENTS

The present Application was filed on October 28, 2003. The Appellants filed a first Request for Reconsideration on December 27, 2005, in response to a first Examiner's Action mailed September 26, 2005. The Examiner subsequently issued a second Examiner's Action mailed March 7, 2006, based on a new ground of rejection. In response, the Appellants filed a first Amendment on June 1, 2006. The Examiner then issued a Final Rejection based on a new ground of rejection. The Appellants filed a second Request for Reconsideration on August 1, 2006, in response to the Final Rejection. On October 19, 2006, the Examiner responded with an Advisory Action that maintained the final rejection. The Appellants then filed a Notice of Appeal for Claims 1-21 as filed with the first Amendment and a Pre-Appeal Brief Request for Review on November 2, 2006. On January 23, 2007, a Notice of Panel Decision from Pre-Appeal Brief Review was mailed indicating that the Application remains under appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed, in general, to wireless telecommunications and, more specifically, to a system and method employing a mobile telephone to retrieve information regarding an article. (*See* paragraph 2.) The present invention introduces a way to retrieve information regarding an article based on coded data gathered from the article. The invention is particularly concerned with retrieving the information in an easy, low cost and fast manner. (*See* paragraph 9.)

Independent Claim 1 is directed to a system for using a mobile telephone to retrieve information about an article provided by a first distributor. The system includes: (1) a camera, associated with the mobile telephone, that records an image of at least a portion of the article and (2) a database, that is remote from the mobile telephone and synchronized with at least another database associated with a second distributor of the article. The database interprets the image to identify the article and, based thereon, supplies information about the article from the database and the another database to the mobile telephone. (*See* paragraphs 10 and 20-21, and Figure 1.)

Independent Claim 11 is directed to a method of using a mobile telephone to retrieve information about an article. The method includes: (1) recording an image of at least a portion of the article with a camera associated with the mobile telephone, (2) interpreting the image to identify the article and (3) supplying information about the article to the mobile telephone based thereon, the information from multiple distributors of the article. (*See* paragraphs 11 and 20-21, and Figure 2.)

Independent Claim 21 is directed to a mobile telephone. The mobile telephone includes: (1) a camera, (2) software that receives an image of at least a portion of an article from the camera, interprets the image to identify the article and queues data based thereon for transmission to a database remote from the mobile telephone and (3) a display that receives and displays information about the article from multiple databases, including the database, associated with multiple distributors of the article. (*See* paragraphs 12 and 20-21, and Figure 1.)

In one embodiment, as illustrated in Figure 1, is a system for retrieving information about an article using a mobile phone 100 having a photo camera 101 mounted thereto. An article 200 is marked having in this example a barcode 201 that includes coded information about the article 200, such as price information. A picture of the barcode 201 is recorded by use of the camera 101 and transmitted via an air link 2 through at least one communication network 300 to a server 400

providing an analyzing service for analyzing the transmitted image, and hence the barcode, to ascertain the information thereof. (See paragraphs 17-19 and Figure 1.)

The server 400 has accessibility to or is preferably directly connected to a database (not shown) wherein a plurality of different code and/or article information is stored. In a practical manner, the received visual record is processed by an image recognition system of the server 400 for ascertaining the barcode 201 which then is compared with the database information for decoding the barcode and hence for analyzing the information thereof. If additional information related to a certain barcode or article is stored within a database, the additional information may be taken account and/or drawn up, too. As such, the database may be additionally synchronized with databases of certain distributors of the article 200, for example, to access detailed and/or specific information. Once the image of the barcode 201 and, based thereon, the coded information is analyzed, at least the analyzed information, such as analyzed price information of the article 200 is then transmitted back to the mobile telephone 100. (See paragraphs 20-21 and Figure 1.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first issue presented for consideration in this appeal is whether Claims 1-6, 8, 11, 12, 14-18 and 21, as rejected by the Examiner, are patentably nonobvious in accordance with 35 U.S.C. §103(a) over U.S. Patent No. 6,512,919 to Ogasawara in view of U.S. Patent No. 6,974,078 to Simon. The second issue presented for consideration in this appeal is whether dependent Claim 7 is patentably nonobvious in accordance with 35 U.S.C. §103(a) over Ogasawara and Simon in view of U.S. Patent Application No. 6,750,978 to Marggraff, *et al.* The third issue presented for consideration in this appeal is whether dependent Claims 9 and 19 are patentably nonobvious in accordance with 35 U.S.C. §103(a) over Ogasawara and Simon in view of U.S. Patent Publication

No. 2005/0017453 by Rehbein *et al.* The fourth issue presented for consideration in this appeal is whether dependent Claims 10 and 20 are patentably nonobvious in accordance with 35 U.S.C. §103(a) over Ogasawara and Simon in view of U.S. Patent Publication 2005/0040230 by Swartz, *et al.* and in further view of U.S. Patent Publication No. 2002/0102966 by Lev, *et al.* The fifth issue presented for consideration in this appeal is whether dependent Claim 13 is patentably nonobvious in accordance with 35 U.S.C. §103(a) over Ogasawara and Simon in further view of Lev.

VII. APPELLANTS' ARGUMENT

The inventions set forth in independent Claims 1, 11 and 21 and their respective dependent claims are not obvious over the references on which the Examiner relies.

Rejection under 35 U.S.C. §103(a) over Ogasawara in view of Simon

A. Rejection of Claims 1, 11 and 21

As the Board of Patent Appeals and Interferences is no doubt aware, determination of obviousness requires consideration of the invention considered as a whole. The inquiry is not whether each element exists in the prior art, but whether the prior art made obvious the invention as a whole. Furthermore, there must be some suggestion or teaching in the art that would motivate one of ordinary skill in the art to arrive at the claimed invention; a reference that teaches away from a claimed invention strongly indicates nonobviousness.

Moreover, to establish a *prima facie* case of obviousness, **three** basic criteria **must** be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Appellants' disclosure.

The Appellants respectfully disagree with the above §103(a) rejection since the cited combination of Ogasawara and Simon fails to establish at least two criteria for a *prima facie* case of obviousness. First, the cited combination of Ogasawara and Simon is improper. Additionally, the cited combination of Ogasawara and Simon does not teach or suggest each element of independent Claims 1, 11 and 21.

The combination of Ogasawara and Simon is improper since there is no suggestion or motivation to combine Simon with Ogasawara. Ogasawara is directed to an electronic shopping system that is not for obtaining information about a product from various databases over a network but instead is for facilitating purchases of a product from the store that provides the electronic shopping system to the videophone. (*See* column 3, lines 4-20; lines 21-42 and Figure 1.) In Ogasawara, employing the videophone allows retailers to implement a personal shopping system for their store while minimizing the investment cost. (*See* column 3, lines 17-20; column 3, line 67 to column 4, line 2; and Figure 1.)

Simon, on the other hand, is directed to scanning information from a product, providing a search inquiry and, based thereon, **searching various databases** for related product information. (*See* column 1, lines 45-64. Emphasis added.) Simon, therefore, frustrates the invention of Ogasawara since Simon promotes obtaining competitive pricing from other stores while shopping for a product in a first store. (*See* column 3, lines 47-49.) Thus, Simon teaches away from facilitating

product purchases from a particular store as in Ogasawara. (*See*, MPEP 2143.01.) As such, the cited combination of Simon with Ogasawara is improper and does not provide a *prima facie* case of obviousness as asserted by the Examiner.

Additionally, even assuming *arguendo* that the cited combination is proper, Ogasawara and Simon, individually or in combination, do not teach or suggest supplying information about an article from multiple distributors of the article **based on interpreting an image**, of at least a portion of an article recorded by a camera associated with a mobile telephone, to identify the article. The Examiner recognizes that Ogasawara does not address searching more than one database from two different distributors and cites Simon to cure this deficiency. (*See* Examiner's Final Rejection, page 4.) Simon discloses an information retrieval and communication system 1 that includes a personal communication device 10 in communication with a communications server 30 over communication link 20. (*See* column 2, lines 48-53, and Figure 1.) Server 30 is communicably coupled to one or more databases 32 over one or more network connections. (*See* column 3, lines 11-12.)

The information retrieval and communication system 1 of Simon, however, does not supply information about the product to the personal communication device 10 from the various databases **based on interpreting an image** of the product. Instead, Simon searches various databases over the Internet for desired product-related information **in response to a search inquiry from a user**. (*See* column 1, lines 61-64; column 2, lines 13-21; column 3, lines 37-46. Emphasis added.) Thus, instead of supplying information about the product from the multiple databases to the personal communication device 10 based on interpreting an image to identify the product, Simon requires a search inquiry before obtaining information about the product from the multiple databases. After the search inquiry, the information is then supplied to the personal communication device 10. Simon, therefore, does not search for information of an interpreted image based on interpreting the image but

instead requires a search inquiry. As such, Simon does not teach or suggest interpreting an image to identify an article and, **based thereon**, supplying information about the article from multiple databases to the mobile telephone as recited in independent Claims 1 and 11. (Emphasis added.)

In the Advisory Action, the Examiner argued that Simon discloses a “product identifier is first searched by the server and then the information is searched in the databases.” The Examiner relied on column 1, lines 56-61, of Simon that reads as follows:

The communication device established a communication link with a communication server, and the product information is transmitted to the server, which interfaces with one or more product information libraries to determine a product identifier based on the input product information.

Thus, Simon teaches the communication server can interface with multiple product information libraries to determine the product identifier. However, once the product is identified (*i.e.*, the product identifier is determined), Simon teaches that a search query from a user is needed before product-related information is provided. This is clearly evident from column 1, lines 61-64, of Simon as stated below:

The product identifier is used by the server to search various databases over the Internet for desired product-related information **in response to a search query** from the user. (Emphasis added.)

Thus, Simon may teach accessing multiple libraries to identify a product, but Simon neither teaches nor suggests supplying information about the product from multiple databases based on interpreting an image of the product. Simon, therefore, does not cure the above noted deficiency of Ogasawara.

Thus, Ogasawara and Simon, individually or in combination, fail to teach or suggest each element of independent Claims 1 and 11 Claims dependent thereon. Accordingly, the cited combination also fails to teach or suggest software that interprets an image to identify an article and

queues data based on the interpreting for transmission to a mobile telephone and a display that receives and displays information about the article from multiple databases, including the database, associated with multiple distributors of the article as recited in independent Claim 21. As such, the cited combination also does not provide a *prima facie* case of obviousness of Claims 1-6, 8, 11, 12, 14-18 and 21 due to failing to teach or suggest each limitation thereof.

B. Rejection of Claims 2 and 12

The Examiner has rejected Claims 2 and 12 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by reference. Dependent Claims 2 and 12 additionally require the image is received from the mobile telephone via a selected one of an infrared connection or a direct radio link, and thereby introduce a patentably distinct element in addition to the elements recited in Claims 1 and 11, respectively. Ogasawara and Simon, however, do not teach or suggest the image is received from the mobile telephone via a selected one of an infrared connection or a direct radio link in combination with the base claim limitations. Thus, the cited combination of Ogasawara and Simon does not establish a *prima facie* case of obviousness of dependent Claims 2 and 12. Accordingly, Claims 2 and 12 are nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 2 and 12.

C. Rejection of Claim 3

The Examiner has rejected Claim 3 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness

of independent Claim 1 is incorporated herein by reference. Dependent Claim 3 additionally requires the information includes a price of the article from the first distributor and the second distributor, and thereby introduces a patentably distinct element in addition to the elements recited in Claim 1. Ogasawara and Simon, however, do not teach or suggest the information includes a price of the article from the first distributor and the second distributor in combination with the base claim limitations.

Additionally, the Examiner appears to recognize that Ogasawara does not teach or suggest the information includes a price of the article from the first distributor and the second distributor and relies on Simon to cure this deficiency of Ogasawara. (*See Examiner's Final Rejection, pages 5-6.*)

As noted above, however, the combination of Ogasawara and Simon is improper. This is further evident when considering the limitation of Claim 3. Ogasawara relates to an electronic shopping system for a single store. (*See column 3, line 4, to column 4, line 2.*) As such, Ogasawara has no concern with providing price information from a second store since this would frustrate completing purchases at the desired store. Ogasawara also relates to establishing the electronic shopping system at a minimum investment cost. (*See column 3, lines 17-20.*) Accordingly, Ogasawara would not be interested in the additional cost to interact with another store to obtain and provide price information.

Thus, the cited combination of Ogasawara and Simon does not establish a *prima facie* case of obviousness of dependent Claim 3. Accordingly, Claim 3 is nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claim 3.

D. Rejection of Claims 4 and 14

The Examiner has rejected Claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by reference. Dependent Claims 4 and 14 additionally require the image contains coded data and the coded data is decoded in a server associated with the database, and thereby introduce a patentably distinct element in addition to the elements recited in Claims 1 and 11, respectively. Ogasawara and Simon, however, do not teach or suggest the image contains coded data and the coded data is decoded in a server associated with the database in combination with the base claim limitations. Thus, the cited combination of Ogasawara and Simon does not establish a *prima facie* case of obviousness of dependent Claims 4 and 14. Accordingly, Claims 4 and 14 are nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 4 and 14.

E. Rejection of Claims 5 and 15

The Examiner has rejected Claims 5 and 15 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by reference. Dependent Claims 5 and 15 additionally require the mobile telephone contains software that defines a structure corresponding to the database, and thereby introduce a patentably distinct element in addition to the elements recited in Claims 1 and 11, respectively. Ogasawara and Simon, however, do not teach or suggest the mobile telephone contains software that defines a structure corresponding to the database in combination with the base claim limitations. Thus, the cited combination of Ogasawara and

Simon does not establish a *prima facie* case of obviousness of dependent Claims 5 and 15. Accordingly, Claims 5 and 15 are nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 5 and 15.

F. Rejection of Claims 6 and 16

The Examiner has rejected Claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by reference. Dependent Claims 6 and 16 additionally require the image contains coded data and the coded data is contained in a barcode, and thereby introduce a patentably distinct element in addition to the elements recited in Claims 1 and 11, respectively. Ogasawara and Simon, however, do not teach or suggest the image contains coded data and the coded data is contained in a barcode in combination with the base claim limitations. Thus, the cited combination of Ogasawara and Simon does not establish a *prima facie* case of obviousness of dependent Claims 6 and 16. Accordingly, Claims 6 and 16 are nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 6 and 16.

G. Rejection of Claims 8 and 18

The Examiner has rejected Claims 8 and 18 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by reference. Dependent Claims 8 and 18 additionally require the information comprises price information and the

information is transmitted back to the mobile telephone via a selected one of Multimedia Message Service (MMS) and email, and thereby introduce a patentably distinct element in addition to the elements recited in Claims 1 and 11, respectively. Ogasawara and Simon, however, do not teach or suggest the information comprises price information and the information is transmitted back to the mobile telephone via a selected one of Multimedia Message Service (MMS) and email in combination with the base claim limitations. Thus, the cited combination of Ogasawara and Simon does not establish a *prima facie* case of obviousness of dependent Claims 8 and 18. Accordingly, Claims 8 and 18 are nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 8 and 18.

H. Rejection of Claim 17

The Examiner has rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon. The above argument establishing the nonobviousness of independent Claim 11 is incorporated herein by reference. Dependent Claim 17 additionally requires either visually or acoustically providing, with the mobile telephone, the information to a user, and thereby introduces a patentably distinct element in addition to the elements recited in Claim 11. Ogasawara and Simon, however, do not teach or suggest either visually or acoustically providing, with the mobile telephone, the information to a user in combination with the base claim limitations. Thus, the cited combination of Ogasawara and Simon does not establish a *prima facie* case of obviousness of dependent Claim 17. Accordingly, Claim 17 is nonobvious over Ogasawara and Simon and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claim 17.

Rejection of Claim 7 under 35 U.S.C. §103(a) over Ogasawara in view of Simon and in further view of Marggraff

The Examiner has rejected Claim 7 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon and in further view of Marggraff. The above argument establishing the nonobviousness of independent Claim 1 is incorporated herein by reference. Marggraff has not been cited to cure the above noted deficiencies of Ogasawara and Simon but to teach the mobile telephone acoustically provides the information to a user as additionally required by dependent Claim 7 and is a patentably distinct element in addition to the elements recited in Claim 1.

The Appellants also do not find where Marggraff cures the above deficiencies of Ogasawara and Simon but relates to interacting with or augmenting print media. (*See* column 1, lines 14-15.) The cited combination, therefore, of Ogasawara, Simon and Marggraff does not teach or suggest the mobile telephone acoustically provides the information to a user in combination with the base claim limitations.

Thus, the cited combination of Ogasawara, Simon and Marggraff does not establish a *prima facie* case of obviousness of dependent Claim 7. Accordingly, Claim 7 is nonobvious over Ogasawara, Simon and Marggraff and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claim 7.

Rejection of Claims 9 and 19 under 35 U.S.C. §103(a) over Ogasawara in view of Simon and in further view of Rehbein

The Examiner has rejected Claims 9 and 19 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon and in further view of Rehbein. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by

reference. Rehbein has not been cited to cure the above noted deficiencies of Ogasawara and Simon but to teach the database contains the price information in at least two different currencies as additionally required by dependent Claims 9 and 19 and is a patentably distinct element in addition to the elements recited in Claims 1 and 11, respectively. The Appellants also do not find where Rehbein cures the above deficiencies of Ogasawara and Simon but relates to an electronic device that uses a computer application that allows parties the use of transactional flash cards on digital screens of any such electronic device. (*See* paragraph 2.) The cited combination, therefore, of Ogasawara, Simon and Rehbein does not teach or suggest the database contains the price information in at least two different currencies in combination with the base claim limitations.

Thus, the cited combination of Ogasawara, Simon and Rehbein does not establish a *prima facie* case of obviousness of dependent Claims 9 and 19. Accordingly, Claims 9 and 19 are nonobvious over Ogasawara, Simon and Rehbein and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 9 and 19.

Rejection of Claims 10 and 20 under 35 U.S.C. §103(a) over Ogasawara in view of Simon and in further view of Swartz and Lev

The Examiner has rejected Claims 10 and 20 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon and in further view of Swartz and Lev. The above argument establishing the nonobviousness of independent Claims 1 and 11 is incorporated herein by reference. The Appellants do not find where either Swartz or Lev, individually or in combination, cures the above deficiencies of Ogasawara and Simon. Additionally, Swartz and Lev have not been cited to cure the above noted deficiencies of Ogasawara and Simon but to teach a

memory in the mobile telephone stores data pertaining to a plurality of articles (Swartz) and the image is a video sequence (Lev). Each of these limitations are additionally required by dependent Claims 10 and 20 and are patentably distinct limitations in addition to the limitations recited in Claims 1 and 11, respectively. The cited combination, therefore, of Ogasawara, Simon, Swartz and Lev does not teach or suggest the database contains the price information in at least two different currencies in combination with the base claim limitations.

Thus, the cited combination of Ogasawara, Simon, Swartz and Lev does not establish a *prima facie* case of obviousness of dependent Claims 10 and 20. Accordingly, Claims 10 and 20 are nonobvious over Ogasawara, Simon, Swartz and Lev and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claims 10 and 20.

Rejection of Claim 13 under 35 U.S.C. §103(a) over Ogasawara in view of Simon and in further view of Lev

The Examiner has rejected Claim 13 under 35 U.S.C. §103(a) as being unpatentable over the cited combination of Ogasawara and Simon in further view of Lev. The above argument establishing the nonobviousness of independent Claim 11 is incorporated herein by reference. Lev has not been cited to cure the above noted deficiencies of Ogasawara and Simon but to teach the direct radio link conforms to a standard selected from the group consisting of Bluetooth, WLAN, and HomeRF/SWAP as additionally required by dependent Claim 13 and is a patentably distinct element in addition to the elements recited in Claim 11. The Appellants also do not find where Lev cures the above deficiencies of Ogasawara and Simon but relates to interacting with or augmenting print media. (*See* column 1, lines 14-15.) The cited combination, therefore, of Ogasawara, Simon and

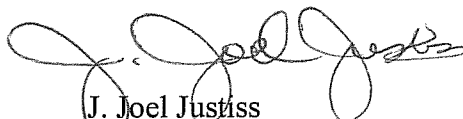
Lev does not teach or suggest the direct radio link conforms to a standard selected from the group consisting of Bluetooth, WLAN, and HomeRF/SWAP in combination with the base claim limitations.

Thus, the cited combination of Ogasawara, Simon and Lev does not establish a *prima facie* case of obviousness of dependent Claim 13. Accordingly, Claim 13 is nonobvious over Ogasawara, Simon and Lev and the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of Claim 13.

For the reasons set forth above, the Claims on appeal are patentably nonobvious over the cited combinations. Accordingly, the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of all of the Appellants' pending claims, Claims 1-21 and allow issuance thereof. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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VIII. APPENDIX A - CLAIMS

1. A system for using a mobile telephone to retrieve information about an article provided by a first distributor, comprising:

a camera, associated with said mobile telephone, that records an image of at least a portion of said article; and

a database, remote from said mobile telephone and synchronized with at least another database associated with a second distributor of said article, wherein said database interprets said image to identify said article and, based thereon, supplies information about said article from said database and said another database to said mobile telephone.

2. The system as recited in Claim 1 wherein said image is received from said mobile telephone via a selected one of:

an infrared connection, and

a direct radio link.

3. The system as recited in Claim 1 wherein said information includes a price of said article from said first distributor and said second distributor.

4. The system as recited in Claim 1 wherein said image contains coded data and said coded data is decoded in a server associated with said database.

5. The system as recited in Claim 1 wherein said mobile telephone contains software that defines a structure corresponding to said database.

6. The system as recited in Claim 1 wherein said image contains coded data and said coded data is contained in a barcode.

7. The system as recited in Claim 1 wherein said mobile telephone acoustically provides said information to a user.

8. The system as recited in Claim 1 wherein said information comprises price information and said information is transmitted back to said mobile telephone via a selected one of:

Multimedia Message Service (MMS), and
email.

9. The system as recited in Claim 8 wherein said database contains said price information in at least two different currencies.

10. The system as recited in Claim 1 wherein a memory in said mobile telephone stores data pertaining to a plurality of articles and said image is a video sequence.

11. A method of using a mobile telephone to retrieve information about an article, comprising:

recording an image of at least a portion of said article with a camera associated with said mobile telephone;

interpreting said image to identify said article; and

supplying information about said article to said mobile telephone based thereon, said information from multiple distributors of said article.

12. The method as recited in Claim 11 wherein said image is received from said mobile telephone via a selected one of:

an infrared connection, and

a direct radio link.

13. The method as recited in Claim 12 wherein said direct radio link conforms to a standard selected from the group consisting of:

Bluetooth,

WLAN, and

HomeRF/SWAP.

14. The method as recited in Claim 11 wherein said image contains coded data, said method further comprising decoding said coded data in a server associated with said database.

15. The method as recited in Claim 11 wherein said mobile telephone contains software that defines a structure corresponding to said database.

16. The method as recited in Claim 11 wherein said image contains coded data and said coded data is contained in a barcode.

17. The method as recited in Claim 11 further comprising providing, with said mobile telephone, said information to a user a selected one of:

visually, and

acoustically.

18. The method as recited in Claim 11 wherein said information comprises price information of said article from said multiple distributors and said information is transmitted back to said mobile telephone via a selected one of:

Multimedia Message Service (MMS), and

email.

19. The method as recited in Claim 18 wherein said database contains said price information in at least two different currencies.

20. The method as recited in Claim 11 further comprising storing, in a memory in said mobile telephone, data pertaining to a plurality of articles and said image is a video sequence.

21. A mobile telephone, comprising:

a camera;

software that receives an image of at least a portion of an article from said camera, interprets said image to identify said article and queues data based thereon for transmission to a database remote from said mobile telephone; and

a display that receives and displays information about said article from multiple databases, including said database, associated with multiple distributors of said article.

IX. APPENDIX B - EVIDENCE

The evidence in this appendix includes Ogasawara, Simon, Marggraff, Rehbein, Swartz and Lev.

X. RELATED PROCEEDINGS APPENDIX

NONE